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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,026	10/20/2001	William D. Picking	UOK 5320.1	9340
321	7590	07/10/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			DEVI, SARVAMANGALA J N	
			ART UNIT	PAPER NUMBER
			1645	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/830,026	Applicant(s) PICKING ET AL.	
	Examiner S. Devi, Ph.D.	Art Unit 1645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-18, 21, 22, 25 and 101-122 ~~is~~ are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 13-18, 21, 22, 25 and 101-122 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Lack of Unity**

**1)** Claims 1-7, 10, 12, 19, 20, 23, 24, 26, 29-33, 38-44, 47, 51-56, 70, 72, 73, 77-80, 82-87, 90-92, 94-96 and 98-100 have been canceled via the amendment filed 05/21/04.

Claims 13, 14, 21, 22, 25 and 103 have been amended via the amendment filed 05/21/04.

New claims 104-122 have been added via the amendment filed 05/21/04.

Claims 13-18, 21, 22, 25 and 101-122 are under prosecution.

**2)** This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1 and 13.2.

In accordance with 37 CFR 1.499, Applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

I. Claims 107, 108, 110, 111, 114, 115, 117, 118, 121 and 122, drawn to a method for the production of a purified recombinant invasin protein (SipC) comprising the amino acid sequence of SEQ ID NO: 1.

II. Claims 107, 108, 110, 111, 114, 115, 117, 118, 121 and 122, drawn to a method for the production of a purified recombinant invasin protein (IpaC) comprising the amino acid sequence of SEQ ID NO: 2.

Claims 13-18, 21, 22, 25, 101-106, 109, 112, 113, 116, 119 and 120 are considered as linking claims and would be joined with one of inventions I and II, if elected.

**3)** Inventions I and II lack unity. The special technical features of inventions I and II are delineated above. The products produced in the methods of inventions I and II do not share significant structural elements. With regard to search burden, a structural or sequence search performed on SEQ ID NO: 1 produced in the method of invention I would not be co-extensive to SEQ ID NO: 2 produced in the method of invention I, because of the lack of sharing of significant structural elements.

**4)** Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. The central Fax number for submission of amendments, responses or papers is (571) 273-8300, which receives transmissions 24 hours a day and 7 days a week.

**5)** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A telephone message may be left on the Examiner's voice mail system. The Examiner can normally be reached

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on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number is (571) 272-1600.

July, 2006

  
S. DEVI, PH.D.  
PRIMARY EXAMINER